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REMARKS

This is a full and timely response to the Advisory Action mailed August 22, 2005 and the outstanding final Office Action mailed May 20, 2005. Reconsideration and allowance of the application and presently pending claims 12-24 and 38-53, as amended, are respectfully requested. Please note that the Advisory Action indicated the amendments of the previous response were not entered, so the previously proposed amendments are included in the present response.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 12-24 and 38-43 remain pending in the present application. More specifically, claims 12, 19, 23, 39, 40, 43, 44, 46, and 50-53 are directly amended to overcome the objections cited in the Office Action. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application.

2. Claim Objections

Claims 12, 19, 23, 46 and 50 have been objected to because of the following informalities: "the claim language indicates associating the bookmark and captured image data such that the captured image may be ordered. The claim language 'such that...may be...' renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention."

In response to the objection, Applicants have amended claims 12, 19, 23, 46, and 50 to correct the cited claim language in order to overcome the objection. Further, claims 39, 40, 43, 44, and 50-53 have also been amended to correct similar claim language. In view of the above-noted claim amendments, Applicants respectfully submit that the claims are not objectionable and respectfully request that the objection be withdrawn.

3. Response to Rejection of Claims 12-14, 16, 18-20, 22-24, 40, 44 and 46-49 Under 35 U.S.C. §103

In the Office Action, claims 12-14, 16, 18-20, 22-24, 40, 44 and 46-49 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Nakamura* (U.S. Pat. No. 6,337,951) in view of *Steinberg* (U.S. Pat. No. 6,750,902), and further in view

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of *Nicholson* (Int. Pub. No. WO 01/20489). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Lack of Basis for Supporting Legal Conclusion of Obviousness

"A rejection based on section 103 clearly must rest on a factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art. In making this evaluation, all facts must be considered. The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis. To the extent the Patent Office rulings are so supported, there is no basis for resolving doubts against their correctness. Likewise, we may not resolve doubts in favor of the Patent Office determination when there are deficiencies in the record as to the necessary factual bases supporting its legal conclusion of obviousness." *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967), cert. Denicd, 389 U.S. 1057 (1968) (emphasis in original).

Accordingly, the review of the record does not reveal any teaching or suggestion to produce an image capture device or method having an event bookmark broadcasted and associated with a plurality of images captured from a plurality of image capture devices that are enabled to be ordered in accordance with the event bookmark or other related information, as described in one or more of the claims. As described in greater detail below, Applicants submit that the cited art fails to establish a prima facie case of obviousness with respect to the pending claims.

b. Claim 12

As provided in independent claim 12, Applicants claim:

A system which receives event bookmarks comprising:
an image capture device that captures at least one image of an event;

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a transceiver residing in the image capture device and configured to receive an event bookmark broadcasted by an event bookmark broadcaster; and

a processing device configured to associate the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the received event bookmark.

(Emphasis added).

Applicants respectfully submit that independent claim 12 is allowable for at least the reason that *Nakamura* in view of *Steinberg* in further view of *Nicholson* does not teach or suggest at least the element of "a processing device configured to associate the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the received event bookmark," as recited and emphasized above in claim 12.

For example, the Office Action acknowledges that *Nakamura* "does not disclose the camera . . . associating the captured image with information corresponding to a time at which the image is captured, such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices." Office Action, page 3. Accordingly, the Office Action alleges that *Nicholson* discloses this feature. Applicants respectfully disagree.

Nicholson is apparently limited to, at most, a surveillance system which allows for the recording of video with text annotations, where the text annotations do not necessarily include timing information. See, e.g., page 2, lines 1-3 ("This invention annotates the video with details of the strategic event, eg player ID, staff ID, dollar value of transaction, nature of transaction, table location, etc"). Further, *Nicholson* discloses that video segments may be cataloged or indexed within a database by specifying parameters of the strategic event which is distinct from the text annotations themselves.

For example, *Nicholson* states:

the casino may wish to review video segments with strategic event text annotation relating to specific strategic events. The specific strategic

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events could be the start of gaming activity of all players who started gaming activity on any table in pit 9 between the hours of 8am and 11am during September 1999. By entering these parameters, the casino is able to rapidly and accurately retrieve the video segments and strategic event text annotations.

Page 4, 2nd paragraph.

Note, as understood within video recording technology, "indexing" is the ability to place electronic tags on a tape, making it easier to find the beginning of taped segments. Accordingly, *Nicholson* teaches a system utilizing video recorders that automatically "indexes the segment of video according to the strategic event," such as when "a player commences gaming at a gaming table." See page 3, 4th paragraph, and page 4, 3rd paragraph. This is done "[r]egardless of the recording technology used." Page 4, 1st paragraph. As such, the system in *Nicholson* is seemingly able to locate a video segment within a videotape or other medium (that may have different video segments with different electronic tags) by utilizing an indexing system. However, this does not suggest or teach enabling a captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, where all the images are associated with the same bookmark.

Therefore, *Nicholson* fails to disclose the feature of "associat[ing] the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the received event bookmark," as recited in claim 12. (Emphasis added). Moreover, in the example above from *Nicholson*, the ordering of captured images are restricted to the original ordering in which they are captured on videotape. *Nicholson* does not teach or suggest that images are capable of being ordered in a sequence with other images captured for or associated with a same event.

Further, *Nicholson* suggests that the time of the day is referenced and not the "time . . . in relation to the event." For at least these reasons, *Nicholson*, therefore, fails to teach or suggest "a processing device configured to associate the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured

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image to be ordered in a time sequence with a plurality of other images captured by other image capture devices." Thus, *Nicholson* is legally inadequate to remedy the deficiencies of the *Nakamura* reference with respect to at least this claim feature.

Further, *Steinberg* also fails to disclose the aforementioned claimed feature and is therefore, legally inadequate to cure the deficiencies of *Nakamura* with respect to the claimed feature of "a processing device configured to associate the received event bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices," as recited in claim 12.

Therefore, a prima facie case establishing an obviousness rejection by *Nakamura* in view of *Steinberg* in further view of *Nicholson* has not been made. Thus, claim 12 is not obvious under proposed combination of *Nakamura* in view of *Steinberg* in further view of *Nicholson*, and the rejection should be withdrawn.

c. Claims 13-14, 16, 18, and 40

Because independent claim 12 is allowable over the cited art of record, dependent claims 13-14, 16, 18, and 40 (which depend from independent claim 12) are allowable as a matter of law for at least the reason that the dependent claims 13-14, 16, 18, and 40 contain all the elements and features of independent claim 12. Additionally and notwithstanding the foregoing reasons for allowability of claims 13-14, 16, 18, and 40, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

d. Claim 19

As provided in independent claim 19, Applicants claim:

A method for receiving event bookmarks, the method comprising the steps of:

detecting an event bookmark broadcasted from an event bookmark broadcaster;

capturing an image of interest with an image capture device; and
associating the captured image of interest with the detected event bookmark and with information corresponding to a time at

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which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the detected event bookmark.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Nakamura* in view of *Steinberg* in further view of *Nicholson* does not teach or suggest at least the step of "associating the captured image of interest with the detected event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the detected event bookmark," as recited and emphasized above in claim 19.

For example, the Office Action acknowledges that *Nakamura* "does not disclose the camera . . . associating the captured image with information corresponding to a time at which the image is captured, such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the detected event bookmark." Office Action, page 3. Accordingly, the Office Action alleges that *Nicholson* discloses this feature. Applicants respectfully disagree.

Nicholson is apparently limited to, at most, a surveillance system which allows for the recording of video with text annotations, where the text annotations do not necessarily include timing information. See, e.g., page 2, lines 1-3 ("This invention annotates the video with details of the strategic event, eg player ID, staff ID, dollar value of transaction, nature of transaction, table location, etc"). Further, *Nicholson* discloses that video segments may be cataloged or indexed within a database by specifying parameters of the strategic event which is distinct from the text annotations themselves.

For example, *Nicholson* states:

the casino may wish to review video segments with strategic event text annotation relating to specific strategic events. The specific strategic events could be the start of gaming activity of all players who started gaming activity on any table in pit 9 between the hours of 8am and 11am during September 1999. By entering these parameters, the casino is able to rapidly and accurately retrieve the video segments and strategic event text annotations.

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Page 4, 2nd paragraph.

Note that as understood within video recording technology, "indexing" is the ability to place electronic tags on a tape, making it easier to find the beginning of taped segments. Accordingly, *Nicholson* teaches a system utilizing video recorders that automatically "indexes the segment of video according to the strategic event," such as when "a player commences gaming at a gaming table." See page 3, 4th paragraph, and page 4, 3rd paragraph. This is done "[r]egardless of the recording technology used."

Page 4, 1st paragraph.

Therefore, *Nicholson* fails to disclose the feature of "associating the captured image of interest with the detected event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the detected event bookmark," as recited in claim 19. (Emphasis added). At most, *Nicholson* discloses recording information and tagging the information for later identification but fails to teach or suggest ordering a captured image in a time sequence with other captured images sharing a same bookmark, where the images are obtained from different image capture devices.

Moreover, in the example above from *Nicholson*, the time of the day is referenced and not the "time . . . in relation to the event." For at least these reasons, *Nicholson*, therefore, fails to teach or suggest "associating the captured image of interest with the detected event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices."

Thus, *Nicholson* is legally inadequate to remedy the deficiencies of the *Nakamura* reference with respect to at least this claim feature. Further, *Steinberg* also fails to disclose the aforementioned claimed feature and is therefore, legally inadequate to cure the deficiencies of *Nakamura* with respect to the claimed feature of "associating the captured image of interest with the detected event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of

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other images captured by other image capture devices, the plurality of other images associated with the detected event bookmark," as recited in claim 19.

Therefore, a prima facie case establishing an obviousness rejection by *Nakamura* in view of *Steinberg* in further view of *Nicholson* has not been made. Thus, claim 19 is not obvious under proposed combination of *Nakamura* in view of *Steinberg* in further view of *Nicholson*, and the rejection should be withdrawn.

e. Claims 20, 22, and 44

Because independent claim 19 is allowable over the cited art of record, dependent claims 20, 22, and 44 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims 20, 22, and 44 contain all the steps and features of independent claim 19. Additionally and notwithstanding the foregoing reasons for allowability of claims 20, 22, and 44, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

f. Claim 23

As provided in independent claim 23, Applicants claim:

A computer readable medium having a program for associating an event bookmark with a captured image, the program comprising logic configured to perform the steps of:

receiving an event bookmark;

receiving a captured image of interest from an image capture device;

associating the captured image of interest with the received event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the received event bookmark; and

storing the captured image of interest and the associated event bookmark in a memory.

(Emphasis added).

Applicants respectfully submit that independent claim 23 is allowable for at least the reason that *Nakamura* in view of *Steinberg* in further view of *Nicholson* does not teach or suggest at least the step of "associating the captured image of interest with

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the received event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the received event bookmark," as recited and emphasized above in claim 23.

As previously mentioned, the Office Action acknowledges that *Nakamura* "does not disclose the camera . . . associating the captured image with information corresponding to a time at which the image is captured, such that the captured image may be ordered in a time sequence with a plurality of other images captured by other image capture devices." Office Action, page 3. Accordingly, the Office Action alleges that *Nicholson* discloses this feature. Applicants respectfully disagree.

For at least the previously described reasons with regard to claims 12 and 19, *Nicholson* is legally inadequate to remedy the deficiencies of the *Nakamura* reference with respect to at least this claim feature. Further, *Steinberg* also fails to disclose the aforementioned claimed feature and is therefore, legally inadequate to cure the deficiencies of *Nakamura* with respect to the claimed feature of "associating the captured image of interest with the received event bookmark and with information corresponding to a time at which the image is captured in relation to the event, enabling the captured image to be ordered in a time sequence with a plurality of other images captured by other image capture devices, the plurality of other images associated with the received event bookmark," as recited in claim 23.

Therefore, a *prima facie* case establishing an obviousness rejection by *Nakamura* in view of *Steinberg* in further view of *Nicholson* has not been made. Thus, claim 23 is not obvious under proposed combination of *Nakamura* in view of *Steinberg* in further view of *Nicholson*, and the rejection should be withdrawn.

g. Claims 24

Because independent claim 23 is allowable over the cited art of record, dependent claim 24 (which depends from independent claim 23) is allowable as a matter of law for at least the reason that the dependent claims 24 contains all the steps and features of independent claim 23. Additionally and notwithstanding the foregoing reasons for allowability of claim 24, this claim recites further features and/or combinations of features (as is apparent by examination of the claim itself) that are

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patentably distinct from the cited art of record. Accordingly, the rejection to this claim should be withdrawn.

h. Claim 46

As provided in independent claim 46, Applicants claim:

A system which receives event bookmarks comprising:
an image capture device that captures at least one image of an event;

a transceiver residing in the image capture device and configured to receive an event bookmark broadcasted by an event bookmark broadcaster, *the event bookmark comprising meta-data relating to at least one predefined occurrence in the event*, and

a processing device configured to associate the received event bookmark with the captured image, *enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the grouping based upon the predefined occurrence in the event which is identifiable by the meta-data*.

(Emphasis added).

Applicants respectfully submit that independent claim 46 is allowable for at least the reason that *Nakamura* in view of *Steinberg* in further view of *Nicholson* does not teach or suggest at least an "event bookmark comprising meta-data relating to at least one predefined occurrence in the event" or "enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the grouping based upon the predefined occurrence in the event which is identifiable by the meta-data," as recited and emphasized above in claim 46.

The Office Action alleges that *Nakamura* discloses one of the claimed features "because the lion is a user predefined occurrence in the event since the user designates the lion for image capture" and references Fig. 6A. Office Action, page 7. Applicants respectfully disagree and assert that *Nakamura* fails to teach or suggest at least the feature of an "event bookmark comprising meta-data relating to at least one predefined occurrence in the event."

In particular, Applicants submit that a contemporaneous framing of a subject of a picture within a viewfinder of a camera is not a predefined occurrence. Further, in *Nakamura*, each picture taken at one scene is to contain the same data relating to the

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photo subject. See col. 7, lines 24-29. Therefore, *Nakamura* fails to teach or suggest all of the features of claim 46.

Additionally, *Steinberg* and *Nicholson* also fail to disclose the aforementioned claimed feature and are therefore, legally inadequate to cure the deficiencies of *Nakamura* with respect to at least the claimed feature of an "event bookmark comprising meta-data relating to at least one predefined occurrence in the event," as recited in claim 46. Further, the cited art fails to teach or suggest "enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the grouping based upon the predefined occurrence in the event which is identifiable by the meta-data," as recited in claim 46.

Therefore, a *prima facie* case establishing an obviousness rejection by *Nakamura* in view of *Steinberg* in further view of *Nicholson* has not been made. Thus, claim 46 is not obvious under proposed combination of *Nakamura* in view of *Steinberg* in further view of *Nicholson*, and the rejection should be withdrawn.

i. Claims 47-49

Because independent claim 46 is allowable over the cited art of record, dependent claims 47-49 (which depend from independent claim 46) are allowable as a matter of law for at least the reason that the dependent claims 47-494 contain all the elements and features of independent claim 46. Additionally and notwithstanding the foregoing reasons for allowability of claims 47-49, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

3. Response to Rejection of Claims 15, 21, 41-43, and 45 Under 35 U.S.C. §103

In the Office Action, claims 15, 21, 41-43, and 45 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Nakamura* in view of *Steinberg*, and further in view of *Nicholson*, and further in view of *Honda* (U.S. Patent No. 5,296,884). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5

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U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Dependent claims 15, 21, 41-43, and 45 (which depend from respective independent claims 12 and, 19) are allowable as a matter of law for at least the reason that the dependent claims contain all the features of their respective independent claims, which are allowable over the cited art of record, as previously stated. Additionally, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record.

For example, claim 15 includes the feature of a "clock residing in the image capture device, the clock configured to generate a time stamp." However, the cited art fails to teach or suggest this claimed feature. To illustrate, *Honda* discloses a "data determination circuit 12a [which] is composed of microprocessors and is driven by clock pulse CK4 from data processing clock generation circuit 19d." *Honda* further discloses "receiving time data obtained from a cesium or rubidium-vapor atomic clock" that does not reside on an image capture device, although this time data is not used to generate a time stamp. Col. 5, lines 6-23. As such, *Honda* fails to teach or suggest at least the claimed limitation of a "clock residing in the image capture device, the clock configured to generate a time stamp."

Further, *Nakamura*, *Steinberg* and *Nicholson* also fail to disclose the aforementioned claimed feature," as recited in claim 15. Therefore, a prima facie case establishing an obviousness rejection by *Nakamura* in view of *Steinberg* in further view of *Nicholson* in further view of *Honda* has not been made. Thus, claim 15 is not obvious under proposed combination of *Nakamura* in view of *Steinberg* in further view of *Nicholson* in further view of *Honda*, and the rejection should be withdrawn.

For similar reasons, the rejections of claims 21, 41-43, and 45 should also be withdrawn.

4. Response to Rejection of Claim 17 Under 35 U.S.C. §103

In the Office Action, claim 17 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Nakamura* in view of *Steinberg*, and further in view of *Nicholson*, and further in view of *Mauro* (U.S. Patent No. 5,634,144). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being

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obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Claim 17 (which depend from respective independent claim 12) is allowable as a matter of law for at least the reason that claim 17 contains all the features of independent claim 12, which is allowable over the cited art of record, as previously stated. Additionally, claim 17 recites further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Therefore, the rejection of claim 17 should be withdrawn.

5. Response to Rejection of Claims 50-53 Under 35 U.S.C. §103

In the Office Action, claims 50-53 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Nakamura* in view of *Nicholson*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 50

As provided in independent claim 50, Applicants claim:

A method for receiving event bookmarks, the method comprising:

receiving an event bookmark broadcasted from an event bookmark broadcaster, the event bookmark comprising meta-data;

capturing an image of interest with an image capture device; and

associating the captured image of interest with the detected event bookmark, enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the grouping based upon at least one predefined occurrence in the event which is identifiable by the meta-data.

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(Emphasis added).

Applicants respectfully submit that independent claim 50 is allowable for at least the reason that *Nakamura* in view of *Nicholson* does not teach or suggest at least the feature of "associating the captured image of interest with the detected event bookmark, enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the grouping based upon at least one predefined occurrence in the event which is identifiable by the meta-data," as recited and emphasized above in claim 50.

Nicholson is apparently limited to, at most, a surveillance system which allows for the recording of video with text annotations, where the text annotations do not necessarily include timing information. See, e.g., page 2, lines 1-3 ("This invention annotates the video with details of the strategic event, eg player ID, staff ID, dollar value of transaction, nature of transaction, table location, etc"). Further, *Nicholson* discloses that video segments may be cataloged or indexed within a database by specifying parameters of the strategic event which is distinct from the text annotations themselves. See page 4, 2nd paragraph.

Note, as understood within video recording technology, "indexing" is the ability to place electronic tags on a tape, making it easier to find the beginning of taped segments. Accordingly, *Nicholson* teaches a system utilizing video recorders that automatically "indexes the segment of video according to the strategic event," such as when "a player commences gaming at a gaming table." See page 3, 4th paragraph, and page 4, 3rd paragraph. This is done "[r]egardless of the recording technology used." Page 4, 1st paragraph.

Therefore, *Nicholson* fails to disclose the feature of "enabling the captured image to be grouped with at least one other image captured at the event by at least one other image capture device, the grouping based upon at least one predefined occurrence in the event which is identifiable by the meta-data," as recited in claim 50. At most, *Nicholson* discloses recording information and tagging the information for later identification but fails to teach or suggest ordering or grouping a captured image with other captured images sharing a same bookmark, where the images are obtained from different image capture devices. Thus, *Nicholson* is legally inadequate to remedy the deficiencies of the *Nakamura* reference with respect to at least this claim feature, since *Nakamura* fails to also disclose the claimed feature.

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Therefore, a *prima facie* case establishing an obviousness rejection by *Nakamura* in view of *Nicholson* has not been made. Thus, claim 50 is not obvious under proposed combination of *Nakamura* in view of *Nicholson*, and the rejection should be withdrawn.

b. Claims 51-53

Because independent claim 50 is allowable over the cited art of record, dependent claims 51-53 (which depend from independent claim 50) are allowable as a matter of law for at least the reason that the dependent claims 51-53 contain all the steps and features of independent claim 50. Additionally and notwithstanding the foregoing reasons for allowability of claims 51-53, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

6. Response to Rejection of Claims 12 and 38-39 Under 35 U.S.C. §103

In the Office Action, claims 12 and 38-39 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Honda* in view of *Steinberg* in further view of *Nicholson*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Claim 12 is distinguished over the cited art for at least the reason that *Honda* in view of *Steinberg* in further view of *Nicholson* fails to teach or suggest the claimed feature of "associat[ing] the received bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event." To illustrate, *Honda* discloses a "data determination circuit 12a [which] is composed of microprocessors and is driven by clock pulse CK4 from data processing clock generation circuit 19d." *Honda* further discloses "receiving time data obtained from a cesium or rubidium-vapor atomic clock" that does not reside on an image capture device, although this time data is not used to generate a time stamp. Col. 5,

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lines 6-23. As such, *Honda* fails to teach or suggest at least the claimed limitation of "associat[ing] the received bookmark with the captured image and with information corresponding to a time at which the image is captured in relation to the event," as recited in claim 12.

Since *Steinberg* and *Nicholson* are legally inadequate to remedy the deficiencies of the *Honda* reference with respect to at least this claim feature, a *prima facie* case establishing an obviousness rejection by *Honda* in view of *Steinberg* in further view of *Nicholson* has not been made. Thus, claim 12 is not obvious under proposed combination of *Honda* in view of *Steinberg* in further view of *Nicholson*, and the rejection should be withdrawn. Accordingly, claims 38-39 (which depend from independent claim 12) are allowable over the cited art of record as a matter of law for at least the reason that dependent claims 38-39 contain all the features of claim 12.

Hence, the rejections should be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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